

INTERPRETER,TERMED

**U.S. District Court
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-00143-WDM-1
Internal Use Only**

Case title: USA v. Nunez-Aponte
Magistrate judge case number: 1:03-mj-01129-CBS

Date Filed: 04/05/2005
Date Terminated: 10/21/2005

Assigned to: Judge Walker D. Miller

Defendant (1)

Rafael Nunez-Aponte
TERMINATED: 10/21/2005
also known as
RaFa
TERMINATED: 10/21/2005

represented by **Scott Thomas Varholak**
Office of the Federal Public Defender
633 Seventeenth Street
#1000
Denver, CO 80202
303-294-7002
Fax: 303-294-1192
Email: Scott_varholak@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

FRAUD ACTIVITY CONNECTED
WITH COMPUTERS
(1s)

Disposition

deft shall be impr. for Time Served;
Court Recommends that the deft receive
credit for time served in custody; 3 yrs.
sup. rel.; \$100 to CVF due immediately;
deft shall make restit. in amt. of
\$10,548 to Defense Information Sys.
Agency; deft remanded

Highest Offense Level (Opening)

Felony

Terminated Counts

FRAUD ACTIVITY CONNECTED
WITH COMPUTERS
(1)

Disposition

Dismissed

INTENTIONAL DAMAGE TO A
PROTECTED COMPUTER

Dismissed

(2)

Highest Offense Level (Terminated)

Felony

Complaints

causing the transmission of a program,
as a result, causing damage without
authorization to a protected computer
18 USC 1030(a)(5)(A)(i)

Disposition**Plaintiff**


USA

represented by **Patricia W. Davies**
U.S. Attorney's Office-Denver
1225 17th Street East
Suite 700
Denver, CO 80202
303-454-0231
Fax: 303-454-0401
Email: patricia.davies@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/12/2003	1	COMPLAINT against John Doe signed by Magistrate Judge Craig B. Shaffer AUSA Patricia W. Davies (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
05/12/2003	2	ARREST Warrant issued for John Doe by Magistrate Judge Craig B. Shaffer (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
05/12/2003	3	MOTION to seal case by USA regarding John Doe (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
05/12/2003	4	ORDER by Magistrate Judge Craig B. Shaffer granting motion to seal case [3-1] until the warrant is executed. (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
04/04/2005		Case Unsealed as to John Doe pursuant to arrest of deft in the District of Florida. (nmbsl,) [1:03-mj-01129-CBS] (Entered: 04/06/2005)
04/05/2005	5	INDICTMENT as to Rafael Nunez-Aponte (1) count(s) 1, 2. (nmb,) (Entered: 04/06/2005)
04/05/2005	6	Arrest Warrant Issued by Clerk as to Rafael Nunez-Aponte. (nmb,) (Entered: 04/06/2005)
04/14/2005	7	Rule 5(c)(3) Documents Received as to Rafael Nunez-Aponte: Docket Sheet,

		Warrant of Removal, Waiver of Removal Hearing, Order of Detention, minutes (ecm,) (Entered: 04/18/2005)
04/22/2005		Arrest of Rafael Nunez-Aponte (ecm,) (Entered: 04/27/2005)
04/22/2005	8	Minutes of Initial Appearance before Magistrate Judge Boyd N. Boland: Initial Appearance of Rafael Nunez-Aponte w/o counsel; ORDER: FPD apptd.; ORDER: Arraignment, Discovery and Detention Hearing set for 4/27/2005 01:30 PM before Magistrate Judge Boyd N. Boland; deft remanded; (Tape #FTR BNB PM.) (ecm,) (Entered: 04/27/2005)
04/22/2005	9	CJA 23 Financial Affidavit by Rafael Nunez-Aponte (ecm,) (Entered: 04/27/2005)
04/22/2005	10	Arrest Warrant Returned Executed on 4/21/05 as to Rafael Nunez-Aponte. (ecm,) (Entered: 04/27/2005)
04/22/2005		Pursuant to Minutes this date before Judge Boyd N. Boland : Interpreter appointed in case as to Rafael Nunez-Aponte (ecm,) (Entered: 04/29/2005)
04/25/2005	11	NOTICE OF ATTORNEY APPEARANCE re Objection To Rule 10 Arraignment By Video Conference: Scott Varholak appearing for Rafael Nunez-Aponte (mjg,) (Entered: 04/28/2005)
04/27/2005	12	Minutes of Arraignment, Discovery and Detention Hearing before Magistrate Judge Boyd N. Boland: deft Rafael Nunez-Aponte present w/counsel; Plea of NOT GUILTY entered by Rafael Nunez-Aponte; 30 day min to trial 5/27/05; 70 day max to trial 7/1/05; 90 day custody limit 7/21/05; discov. rpt. executed; deft is not contesting deten. - BICE detainer; ORDER: deft shall be detained pending final resolution of this case; deft remanded (Tape #FTR BNB PM.) (Interpreter: Marcella Salazar) (ecm,) (Entered: 04/29/2005)
04/27/2005	13	Discovery Hearing Report; Estimated Trial Days: 5 as to Rafael Nunez-Aponte; (ecm,) (Entered: 04/29/2005)
05/02/2005	14	UNOPPOSED MOTION to Declare Case Complex by Rafael Nunez-Aponte. (mjg,) (Entered: 05/04/2005)
05/03/2005	15	MINUTE ORDER; re 14 MOTION to Declare Case Complex filed by Rafael Nunez-Aponte, a Motion Hearing set for 5/24/2005 09:30 AM before Judge Walker D. Miller. (ecm,) (Entered: 05/06/2005)
05/03/2005	16	MINUTE ORDER; Motions due 5/16/2005; Responses due 5/23/2005; Jury Trial set for 6/20/2005 08:30 AM for Rafael Nunez-Aponte before Judge Walker D. Miller. (ecm,) (Entered: 05/06/2005)
05/04/2005	17	MOTION to ContinueThe Deadline For Filing Motions until after the 5/24/05 complexity hearing by Rafael Nunez-Aponte. (mjg,) (Entered: 05/06/2005)
05/05/2005	18	MOTION to Disclose Grand Jury Material to Defendant by USA as to Rafael Nunez-Aponte (mjg,) (Entered: 05/09/2005)
05/05/2005	19	ORDER OF DETENTION Pending Trial as to Rafael Nunez-Aponte Signed by Magistrate Judge Boyd N. Boland on 5/2/05. (mjg,) (Entered: 05/09/2005)

		05/09/2005)
05/19/2005	20	ORDER GRANTING 18 Motion to Disclose Grand Jury Material as to Rafael Nunez-Aponte (1). Signed by Judge Walker D. Miller on 5/18/05. (mjg,) (Entered: 05/25/2005)
05/24/2005	21	Minutes of Motion Hearing before Judge Walker D. Miller: deft Rafael Nunez-Aponte present w/counsel; ORDER: GRANTING 14 MOTION to Declare Case Complex filed by Rafael Nunez-Aponte; Court Concludes the ends of justice served by excluding from today to/including 7/25/05 from the speedy trial calculations outweigh the best interest of the public and deft in a speedy trial; Motions due 7/22/2005; Responses due 8/5/2005; counsel directed to chambers to set a status conf. no later than 8/1/05; deft remanded (Court Reporter Janet Coppock.) (ecm,) (Entered: 06/01/2005)
05/24/2005		Pursuant to minutes this date: granting 14 Motion to Declare Case Complex as to Rafael Nunez-Aponte (ecm,) (Entered: 06/01/2005)
05/24/2005	22	MINUTE ORDER; Status Conference set for 7/28/2005 08:30 AM for Rafael Nunez-Aponte before Judge Walker D. Miller. (ecm,) (Entered: 06/01/2005)
05/25/2005	23	MINUTE ORDER; the 6/20/05 Trial to Jury is VACATED as to Rafael Nunez-Aponte as to the declaration of complexity before Judge Walker D. Miller (ecm,) (Entered: 06/01/2005)
06/15/2005	24	TRANSCRIPT of Initial Appearance as to Rafael Nunez-Aponte held on 4/22/05 before Magistrate Judge Boyd N. Boland. Prepared by: Avery. Pages: 6. (certified copy) (ecm,) (Entered: 06/16/2005)
06/15/2005	25	TRANSCRIPT of Arraignment/Discovery/Detention Hearing as to Rafael Nunez-Aponte held on 4/27/05 before Magistrate Judge Boyd N. Boland. Prepared by: Avery. Pages: 4. (certified copy) (ecm,) (Entered: 06/16/2005)
06/15/2005	26	TRANSCRIPT of Hearing on Motion to Declare Case Complex as to Rafael Nunez-Aponte held on 5/24/05 before Judge Walker D. Miller. Prepared by: Janet Morrissey. Pages: 7. (certified copy) (ecm,) (Entered: 06/17/2005)
07/12/2005	27	NOTICE OF DISPOSITION by Rafael Nunez-Aponte (mjg2,) (Entered: 07/14/2005)
07/14/2005	28	ORDER as to Rafael Nunez-Aponte re 27 Notice of Disposition; Speedy trial clock tolled; Status Conference is CONVERTED to Change Of Plea Hearing on 7/28/2005 08:30 AM before Judge Walker D. Miller. Signed by Judge Walker D. Miller on 7/12/05. (mjg,) (Entered: 07/18/2005)
07/28/2005	29	MINUTE ORDER: Sentencing (1 hour) will be held 10/21/2005 01:30 PM before Judge Walker D. Miller in A902. (mjg,) (Entered: 08/01/2005)
07/28/2005	30	WAIVER OF INDICTMENT by Rafael Nunez-Aponte (ecm,) (Entered: 08/02/2005)
07/28/2005	31	INFORMATION as to Rafael Nunez-Aponte (1) count(s) 1s. (ecm,) (Entered: 08/02/2005)

07/28/2005	32	STATEMENT IN ADVANCE OF PLEA OF GUILTY by Defendant Rafael Nunez-Aponte (ecm,) (Entered: 08/02/2005)
07/28/2005	33	PLEA AGREEMENT as to Rafael Nunez-Aponte (ecm,) (Entered: 08/02/2005)
07/28/2005	34	Minutes of Change of Plea Hearing before Judge Walker D. Miller: Plea of GUILTY entered to Count 1s by Rafael Nunez-Aponte (1); Sentencing set for 10/21/2005 01:30 PM before Judge Walker D. Miller; deft remanded. (Court Reporter Janet Coppock.) (ecm,) (Entered: 08/02/2005)
09/19/2005	35	Sentencing Letter; PSI sent to counsel of record by probation re Rafael Nunez-Aponte; (mjb,) (Entered: 09/20/2005)
10/13/2005	36	Sentencing Letter; Addendum to PSI sent to counsel of record by probation re Rafael Nunez-Aponte; (mjb,) (Entered: 10/17/2005)
10/21/2005		(Court only) ***Sentencing as to defendant Rafael Nunez-Aponte (ecm,) (Entered: 10/28/2005)
10/21/2005	37	Minutes of Sentencing before Judge Walker D. Miller: Sentencing as to Rafael Nunez-Aponte (1) on Count 1s; deft shall be impr. for Time Served; Court Recommends that the deft receive credit for time served in custody; 3 yrs. sup. rel.; \$100 to CVF due immediately; deft shall make restit. in amt. of \$10,548 to Defense Information Sys. Agency; deft remanded (Court Reporter Terri Lindblom.) (ecm,) (Entered: 10/28/2005)
10/21/2005	38	MOTION to Dismiss Counts by USA as to Rafael Nunez-Aponte. (ecm,) (Entered: 10/28/2005)
10/21/2005	39	ORDER; GRANTING 38 Motion to Dismiss Counts as to Rafael Nunez-Aponte (1). Signed by Judge Walker D. Miller on 10/21/05. (ecm,) (Entered: 10/28/2005)
10/28/2005	41	JUDGMENT as to defendant Rafael Nunez-Aponte, Criminal Case Terminated . Signed by Judge Walker D. Miller on 10/25/05; EOD 11/1/05. (mjb,) (Entered: 11/01/2005)
11/01/2005	42	Judgment Returned Executed as to Rafael Nunez-Aponte on 10/24/05; Dft released - End of sentence (mjb,) (Entered: 11/04/2005)

I, the undersigned, Clerk of the
United States District Court for the
District of Colorado, do certify that
the foregoing is a true copy of an
original document remaining on file
and record in my office.
WITNESS my hand and SEAL of said
Court this 4th day of April, 2014
JEFFREY P. COLWELL
By C. Pearson
Deputy